

ORDINANCE NO. 2016-3833

AN ORDINANCE AMENDING CHAPTER 11, "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY ADDING A NEW SECTION 11-14 ESTABLISHING A ROADWAY MAINTENANCE FEE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the College Station City Council finds, determines, and declares that in order to protect the citizenry from the deterioration of the quality and safety of the Road System that they rely upon and use on a regular basis, it is necessary and in the best interest of the public health and safety to establish a Roadway Maintenance Fee in order to provide a properly maintained Road System; and

WHEREAS, the College Station City Council finds, determines, and declares that it is fair and reasonable for all developed real property within City Limits using the Road System (Benefitted Properties) to pay an equitable and pro rata portion of the costs to maintain the Road System; and

WHEREAS, the College Station City Council will establish a Roadway Maintenance Fee, subject to the limitations of the state law, and the City shall provide an efficient, reliable Road System within the City Limits on the payment of such fees; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That Chapter 11, "Utilities", of the Code of Ordinances of the City of College Station, Texas, be amended by adding a new Section 11-14 as set out in Exhibit "A", attached hereto and made a part of this Ordinance for all purposes.
- PART 2: That the facts and recitations contained in the preamble of this Ordinance are hereby declared to be true and correct and are incorporated by reference herein and made a part hereof, as if copied verbatim.
- PART 3: That if any provisions of any section of this Ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.
- PART 4: That any person, firm, corporation or entity violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue, shall be deemed a separate offense. Said Ordinance becomes effective January 1, 2017.

PASSED, ADOPTED and APPROVED this 10<sup>th</sup> day of November 2016.

ATTEST:

  
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CITY SECRETARY

APPROVED:

  
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MAYOR

APPROVED:

  
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CITY ATTORNEY

**EXHIBIT “A”**

That Chapter 11, “Utilities”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding a new Section 11-14 as set hereafter to read as follows:

**SECTION 11-14. Roadway Maintenance Fee.****A. Definitions.**

- (1) **City limits** shall mean the city limits of the City of College Station as they exist on the effective date of this Ordinance and as they may be amended from time to time.
- (2) **Category** or **Categories** means one (1) of sixty-five (65) categories recognized in Table 1: Land Use Codes of the ITE Trip Generation Handbook 3<sup>rd</sup> Edition determined from the land uses of the nonresidential customers.
- (3) **Tier** means one (1) of five (5) tiers established per Trip Factor Index calculations and the monthly base rate established for each Tier.
- (4) **Roadway Maintenance Fee** shall mean the fee that is established by this Ordinance which is assessed against, and collected from owners or occupants of Benefitted Property within City Limits for the purpose of planning, constructing, operating, monitoring and maintaining the Transportation System of the City.
- (5) **Transportation System** or **Road System** shall mean the structures, traffic controls, streets and other facilities in the public right-of-way, such as bridges, sidewalks and alleys which are dedicated to the use of motor vehicles, transit, bicycles and pedestrians, all of which are owned and/or controlled in whole by the City and which are dedicated to the Transportation System service of the City, including provisions for additions, improvements and extensions to such System.
- (6) **Utility Customer** shall mean the holder of a City utility account or the person, firm, partnership, joint venture, association, corporation, governmental entity or other entity responsible for the payment of the Road Maintenance Fee.

**B. ESTABLISHMENT AND REVISION OF ROADWAY MAINTENANCE FEE.**

- (1) The City Council hereby establishes a Roadway Maintenance Fee to be paid by Utility Customers within the City Limits of College Station, Texas. Such Roadway Maintenance Fee shall be set in amounts which will provide sufficient funds to properly maintain the Transportation System.
- (2) Collection of the Roadway Maintenance Fee against each Benefitted Property shall be made by a monthly charge to be added to the Utility Customer’s utility bill for such property.
- (3) The City Council has established a fee schedule based upon the cost of maintaining the Transportation System as shown in Exhibit “A” and attached hereto and incorporated by reference

herein. Such fee schedule may be amended by the City Council based upon changes in the cost of maintaining the Transportation System.

**C. TRANSPORTATION FUND.**

(1) A separate fund shall be created effective January 1, 2017, known as the Roadway Maintenance Fund. All Roadway Maintenance Fees shall be deposited in the Roadway Maintenance Fund. It shall not be necessary for the expenditures from the Roadway Maintenance Fund to specifically relate to any particular property from which the Roadway Maintenance Fees were collected.

(2) An annual report of the Roadway Maintenance Fund and the Roadway Maintenance Fee program will be provided to the City Council.

**D. FINDINGS.**

(1) The number of motor vehicle trips and the average length of those trips generated by a Benefitted Property may reasonably be used to estimate the apportioned cost of the Transportation System attributable to a Benefitted Property.

(2) The characteristics and use of a Benefitted Property may reasonably be used to estimate the number and length of motor vehicle trips generated by the Benefitted Property.

(3) Based on the best available data, the method of imposing the Roadway Maintenance Fee reasonably apportions the cost of the Transportation System among the Benefitted Properties.

(4) It is reasonable and equitable to impose a set monthly Road Maintenance Fee per each Benefitted Property.

(5) It is reasonable and equitable to use trip generation rates for Benefitted Property from the Trip Generation Manual, 9<sup>th</sup> Edition, published by the Institute of Transportation Engineers. Further, it is reasonable and equitable to use trip lengths derived from travel model statistics of the area to yield a vehicle-mile service unit generation for specific land uses.

(6) It is reasonable and equitable to consider trip generation rates from the City's 2015 Roadway Impact Fee Study in determining the trip factor used for each Benefitted Property.

**E. DETERMINATION OF FEE.**

(1) Collection of the Roadway Maintenance Fee shall be based on each Benefitted Property's reasonably equitable share in the total number of vehicle miles generated by all property within the City Limits. The reasonably equitable share depends on the type of land use and the calculated vehicle miles per development unit (also referred to as *Transportation Demand Factor*) provided in the Land Use/Vehicle-Mile Equivalency Table (LUVMET) in Attachment A.

(2) The trip generation rates listed in the LUVMET table are derived from the Trip Generation Manual, 9<sup>th</sup> Edition, published by the Institute of Transportation Engineers, and are the number of trips anticipated to and from a Benefitted Property per its land use and established units during the PM peak hour.

(3) For applicable non-residential land uses, the Trip Generation Rate is reduced to account for “pass-by trips” to obtain Trip Rates.

(4) Trip Rates are multiplied by the Average Trip Length (miles) specific to the land use category to obtain the Transportation Demand Factor expressed as Vehicle Miles per Development Unit for each land use category.

(5) Each Benefitted Property is assigned a land use category identified in the LUVMET, and the size of the Benefitted Property in terms of number of development units is obtained from appraisal district property tax records or other reliable sources, as applicable.

(6) For each Benefitted Property, the Transportation Demand Factor from the LUVMET is multiplied by the number of development units to calculate the transportation demand generated by that Benefitted Property in terms of vehicle miles.

(7) The reasonably equitable share of each Benefitted Property in the total Roadway Maintenance Fee per billing period is calculated as a function of the transportation demand generated by a Benefitted Property to the total transportation demand generated by all Benefitted Properties.

**E. BILLING AND COLLECTION OF FEE.** The Roadway Maintenance Fee shall be billed and collected with the monthly utility bill. All such bills shall be rendered monthly and shall be due upon receipt.

**G. RECOVERY OF UNPAID FEE.** Any Roadway Maintenance Fee due hereunder which is not paid when due may be recovered in action at law by the City. In addition to any other remedies or penalties provided by this Ordinance or the Code of Ordinances, City of College Station, Texas, failure of any Utility Customer to pay the Roadway Maintenance Fee promptly when due shall subject such Utility Customer to the discontinuance of utility services provided by the City.

**H. ADMINISTRATION; RULES AND REGULATIONS.** The City Manager or designee shall be responsible for the administration of this Ordinance. The City Manager or designee shall be responsible for developing rules, regulations and procedures for the administration of fees and the consideration of petitions for modification and appeals pertaining to the fees charged hereunder; developing maintenance programs; establishing Transportation System criteria and standards for the operation and maintenance of the Transportation System.

**I. DISPOSITION OF FEES AND CHARGES.**

(1) The Roadway Maintenance Fee shall not be used for the general government proprietary purposes of the City, except to pay for the equitable share of the cost of accounting, management and government thereof.

(2) Other than as described above, the Roadway Maintenance Fee shall be used solely to pay for the costs of operation, administration, planning, engineering, development of guidelines and controls, inspection, maintenance, repair, improvement, renewal, replacement and reconstruction of the Transportation System and costs incidental thereto.

**J. EXEMPTION.**

(1) The City reserves the right to exempt properties from provisions of this Ordinance through Council Action.

(2) The following properties are exempted from the provisions of this Ordinance:

- (a) Property owned by the College Station Independent School District
- (b) Property owned by Texas A&M University
- (c) Property owned by the Texas A&M University System.

**K. APPEALS.**

(1) A Utility Customer may appeal the Roadway Maintenance Fee established herein pursuant to the procedure set forth in this section and as set out in any process developed by the City Manager pursuant to Section H herein.

(2) An appeal shall be in writing and submitted to the City Manager or his designee within fourteen (14) calendar days after the date of the public utility billing statement containing the matter to be disputed.

(3) Appeals may be submitted for the following reasons:

- (a) The Utility Customer's exempt property has been assessed a Roadway Maintenance Fee;
- (b) a Roadway Maintenance Fee for the Utility Customer's Benefitted Property is assessed in duplicate on multiple utility accounts;
- (c) a Roadway Maintenance Fee is assessed to the Utility Customer's property outside the City Limits;
- (d) a Roadway Maintenance Fee assessed against the Utility Customer's Benefitted Property is incorrect due to improper property characterization, such as land use, building square footage or other relevant property characterization; or
- (e) a Roadway Maintenance Fee is assessed for a Benefitted Property unaffiliated to the Utility Customer's utility account.

(4) The City Manager or his designee shall render a written decision on such appeals within a reasonable time after receipt of a timely written notice of appeal from the Utility Customer. This decision will be final.

(5) During all periods of appeal the Utility Customer shall be responsible for payment of Roadway Maintenance Fee charges in full.

(6) A Utility Customer appealing the Roadway Maintenance Fee may not receive a refund resulting from the appeal except for a Road Maintenance Fee paid within six months the date of the Utility Customer's notice of appeal.

**L. PERIODIC REVIEW OF RATES.** The City Council will periodically review this Ordinance and the Roadway Maintenance Fee and shall be obligated to review them no later than in the first month following the third anniversary date of this Ordinance.

## CITY of College Station – Roadway Maintenance Fee

## ATTACHMENT A

LAND USE/VEHICLE-MILE-EQUIVALENCY TABLE

	ITE Land Use Code	Land Use Category	Develop. Unit	Veh-Mi Per Dev-Unit	Trip Gen Rate (PM)	Pass- by Rate	Pass-by Source	Trip Rate	Adj. Trip Length (mi)
PORT AND TERMINAL	030	Truck Terminal	Acre	26.20	6.55			6.55	4.00
INDUSTRIAL	110	General Light Industrial	1,000 SF GFA	3.88	0.97			0.97	4.00
INDUSTRIAL	120	General Heavy Industrial	1,000 SF GFA	2.72	0.68			0.68	4.00
INDUSTRIAL	130	Industrial Park	1,000 SF GFA	3.40	0.85			0.85	4.00
INDUSTRIAL	150	Warehousing	1,000 SF GFA	1.28	0.32			0.32	4.00
INDUSTRIAL	151	Mini-Warehouse	1,000 SF GFA	1.04	0.26			0.26	4.00
RESIDENTIAL	210	Single-Family Detached Housing	Dwelling Unit	4.00	1.00			1.00	4.00
RESIDENTIAL	220	Apartment/Multi-family	Dwelling Unit	2.48	0.62			0.62	4.00
RESIDENTIAL	230	Residential Condominium /Townhome	Dwelling Unit	2.08	0.52			0.52	4.00
RESIDENTIAL	240	Mobile Home Park / Manufactured Housing	Dwelling Unit	2.36	0.59			0.59	4.00
RESIDENTIAL	251	Senior Adult Housing-Detached	Dwelling Unit	1.08	0.27			0.27	4.00
RESIDENTIAL	252	Senior Adult Housing-Attached	Dwelling Unit	1.00	0.25			0.25	4.00
RESIDENTIAL	254	Assisted Living	Beds	0.88	0.22			0.22	4.00
LODGING	310	Hotel	Room	1.20	0.60			0.60	2.00
LODGING	320	Motel / Other Lodging Facilities	Room	0.94	0.47			0.47	2.00
RECREATIONAL	432	Golf Driving Range	Tee	2.50	1.25			1.25	2.00
RECREATIONAL	430	Golf Course	Acre	0.60	0.30			0.30	2.00
RECREATIONAL	495	Recreational Community Center	1,000 SF GFA	5.48	2.74			2.74	2.00
RECREATIONAL	465	Ice Skating Rink	1,000 SF GFA	4.72	2.36			2.36	2.00

	ITE Land Use Code	Land Use Category	Develop. Unit	Veh-Mi Per Dev-Unit	Trip Gen Rate (PM)	Pass-by Rate	Pass-by Source	Trip Rate	Adj. Trip Length (mi)
RECREATIONAL	431	Miniature Golf Course	Hole	0.66	0.33			0.33	2.00
RECREATIONAL	445	Multiplex Movie Theater	Screens	27.28	13.64			13.64	2.00
RECREATIONAL	491	Racquet / Tennis Club	Court	6.70	3.35			3.35	2.00
INSTITUTIONAL	560	Church	1,000 SF GFA	1.10	0.55			0.55	2.00
INSTITUTIONAL	565	Day Care Center	1,000 SF GFA	13.82	12.34	44%	B	6.91	2.00
INSTITUTIONAL	522	Primary/Middle School (1-8)	Students	0.32	0.16			0.16	2.00
INSTITUTIONAL	530	High School	Students	0.26	0.13			0.13	2.00
INSTITUTIONAL	540	Junior / Community College	Students	0.24	0.12			0.12	2.00
INSTITUTIONAL	550	University / College	Students	0.34	0.17			0.17	2.00
MEDICAL	630	Clinic	1,000 SF GFA	19.53	5.18			5.18	3.77
MEDICAL	610	Hospital	1,000 SF GFA	3.51	0.93			0.93	3.77
MEDICAL	620	Nursing Home	Beds	0.83	0.22			0.22	3.77
MEDICAL	640	Animal Hospital/Veterinary Clinic	1,000 SF GFA	9.90	4.72	30%	B	3.30	3.00
OFFICE	714	Corporate Headquarters Building	1,000 SF GFA	5.64	1.41			1.41	4.00
OFFICE	710	General Office Building	1,000 SF GFA	5.96	1.49			1.49	4.00
OFFICE	720	Medical-Dental Office Building	1,000 SF GFA	13.46	3.57			3.57	3.77
OFFICE	715	Single Tenant Office Building	1,000 SF GFA	6.96	1.74			1.74	4.00
OFFICE	750	Office Park	1,000 SF GFA	5.92	1.48			1.48	4.00
COMMERCIAL: Automobile Related	942	Automobile Care Center	1,000 SF Occ. GLA	3.74	3.11	40%	B	1.87	2.00
COMMERCIAL: Automobile Related	843	Automobile Parts Sales	1,000 SF GFA	6.82	5.98	43%	A	3.41	2.00
COMMERCIAL: Automobile Related	944	Gasoline/Service Station	Vehicle Fueling Position	4.82	13.87	42%	A	8.04	0.60
COMMERCIAL: Automobile Related	945	Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	3.56	13.51	56%	B	5.94	0.60

	ITE Land Use Code	Land Use Category	Develop. Unit	Veh-Mi Per Dev-Unit	Trip Gen Rate (PM)	Pass- by Rate	Pass-by Source	Trip Rate	Adj. Trip Length (mi)
COMMERCIAL: Automobile Related	946	Gasoline/Service Station w/ Conv Market and Car Wash	Vehicle Fueling Position	3.66	13.86	56%	A	6.10	0.60
COMMERCIAL: Automobile Related	841	New Car Sales	1,000 SF GFA	4.20	2.62	20%	B	2.10	2.00
COMMERCIAL: Automobile Related	941	Quick Lubrication Vehicle Shop	Servicing Positions	6.22	5.19	40%	B	3.11	2.00
COMMERCIAL: Automobile Related	947	Self-Service Car Wash	Stall	1.99	5.54	40%	B	3.32	0.60
COMMERCIAL: Automobile Related	948	Automated Car Wash	Stall	5.08	14.12	40%	B	8.47	0.60
COMMERCIAL: Automobile Related	848	Tire Store	1,000 SF GFA	5.98	4.15	28%	A	2.99	2.00
COMMERCIAL: Dining	934	Fast Food Restaurant with Drive-Thru Window	1,000 SF GFA	32.66	32.65	50%	A	16.33	2.00
COMMERCIAL: Dining	933	Fast Food Restaurant without Drive-Thru Window	1,000 SF GFA	26.16	26.15	50%	B	13.08	2.00
COMMERCIAL: Dining	932	High Turnover (Sit-Down) Restaurant	1,000 SF GFA	11.22	9.85	43%	A	5.61	2.00
COMMERCIAL: Dining	931	Quality Restaurant	1,000 SF GFA	8.38	7.49	44%	A	4.19	2.00
COMMERCIAL: Dining	937	Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	25.68	42.80	70%	A	12.84	2.00
COMMERCIAL: Other Retail	815	Free-Standing Discount Store	1,000 SF GFA	6.98	4.98	30%	C	3.49	2.00
COMMERCIAL: Other Retail	817	Nursery (Garden Center)	1,000 SF GFA	9.72	6.94	30%	B	4.86	2.00
COMMERCIAL: Other Retail	862	Home Improvement Superstore	1,000 SF GFA	2.42	2.33	48%	A	1.21	2.00
COMMERCIAL: Other Retail	880	Pharmacy/Drugstore w/o Drive-Thru Window	1,000 SF GFA	7.90	8.40	53%	A	3.95	2.00
COMMERCIAL: Other Retail	881	Pharmacy/Drugstore w/ Drive-Thru Window	1,000 SF GFA	10.10	9.91	49%	A	5.05	2.00
COMMERCIAL: Other Retail	820	Shopping Center	1,000 SF GLA	4.90	3.71	34%	A	2.45	2.00

	ITE Land Use Code	Land Use Category	Develop. Unit	Veh-Mi Per Dev-Unit	Trip Gen Rate (PM)	Pass- by Rate	Pass-by Source	Trip Rate	Adj. Trip Length (mi)
COMMERCIAL: Other Retail	850	Supermarket	1,000 SF GFA	12.14	9.48	36%	A	6.07	2.00
COMMERCIAL: Other Retail	864	Toy/Children's Superstore	1,000 SF GFA	6.98	4.99	30%	B	3.49	2.00
COMMERCIAL: Other Retail	875	Department Store	1,000 SF GFA	2.62	1.87	30%	B	1.31	2.00
COMMERCIAL: Other Retail	896	Video Rental Store	1,000 SF GFA	13.60	13.60	50%	B	6.80	2.00
SERVICES	911	Walk-In Bank	1,000 SF GFA	12.38	12.13	40%	B	7.28	1.70
SERVICES	912	Drive-In Bank	Drive-in Lanes	29.95	33.24	47%	A	17.62	1.70
SERVICES	918	Hair Salon	1,000 SF GLA	1.73	1.45	30%	B	1.02	1.70

**ROADWAY MAINTENANCE FEE SCHEDULE**

	Vehicle Miles Traveled	Monthly Charge
<b>Nonresidential</b>		
Tier I	0 - 23.99	\$17.23
Tier II	24.00 - 43.99	\$38.71
Tier III	43.99 - 90.99	\$74.71
Tier IV	91.00 - 223.99	\$152.39
Tier V	224.00+	\$250.00
<b>Residential</b>		
Single Family	Flat Fee/Dwelling Unit	\$7.78
Multi-Family	Flat Fee/Dwelling Unit	\$6.10